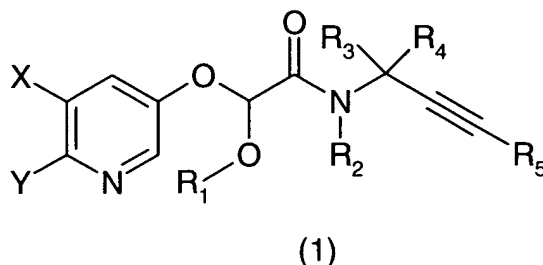


## AMENDMENTS TO THE CLAIMS

Claim 1. (Original): A compound of the general formula (1):



or the corresponding pyridine N-oxide, wherein

X and Y are independently halo, C<sub>1-4</sub> alkyl, halo(C<sub>1-4</sub>)alkyl, C<sub>2-4</sub> alkenyl, halo(C<sub>2-4</sub>)alkenyl, C<sub>2-4</sub> alkynyl, halo(C<sub>2-4</sub>)alkynyl, C<sub>1-4</sub> alkoxy, halo(C<sub>1-4</sub>)alkoxy, -S(O)<sub>n</sub>(C<sub>1-4</sub>)alkyl where n is 0, 1 or 2 and the alkyl group is optionally substituted with fluoro, -OSO<sub>2</sub>(C<sub>1-4</sub>)alkyl where the alkyl group is optionally substituted with fluoro, cyano, nitro, C<sub>1-4</sub> alkoxycarbonyl, -CONR'R'', -COR', -NR'COR'', -NR'CO<sub>2</sub>R''' where R' and R'' are independently H or C<sub>1-4</sub> alkyl and R''' is C<sub>1-4</sub> alkyl, or optionally substituted phenyl, or Y is H;

R<sub>1</sub> is a straight-chain C<sub>1-4</sub> alkyl group;

R<sub>2</sub> is H, C<sub>1-4</sub> alkyl, C<sub>1-4</sub> alkoxymethyl or benzyloxymethyl in which the phenyl ring of the benzyl moiety is optionally substituted with C<sub>1-4</sub> alkoxy;

R<sub>3</sub> and R<sub>4</sub> are independently H, C<sub>1-3</sub> alkyl, C<sub>2-3</sub> alkenyl or C<sub>2-3</sub> alkynyl provided that both are not H and that when both are other than H their combined total of carbon atoms does not exceed 4, or R<sub>3</sub> and R<sub>4</sub> join with the carbon atom to which they are attached to form a 3 or 4 membered carbocyclic ring optionally containing one O, S or N atom and optionally substituted with halo or C<sub>1-4</sub> alkyl; and

R<sub>5</sub> is H, C<sub>1-4</sub> alkyl or C<sub>3-6</sub> cycloalkyl in which the alkyl or cycloalkyl group is optionally substituted with halo, hydroxy, C<sub>1-6</sub> alkoxy, cyano, C<sub>1-4</sub> alkylcarbonyloxy, aminocarbonyloxy, mono- or di(C<sub>1-4</sub>)alkylaminocarbonyloxy, -S(O)<sub>n</sub>(C<sub>1-6</sub>)alkyl where n is 0, 1 or 2, triazolyl, tri(C<sub>1-4</sub>)alkylsilyloxy, optionally substituted phenoxy, optionally substituted thienyloxy, optionally substituted benzyloxy or optionally substituted thienylmethoxy, or

R<sub>5</sub> is optionally substituted phenyl, optionally substituted thienyl or optionally substituted benzyl, in which the optionally substituted phenyl and thienyl rings of the X, Y and R<sub>5</sub> values are optionally substituted with one, two or three substituents selected from halo, hydroxy, mercapto, C<sub>1-4</sub> alkyl, C<sub>2-4</sub> alkenyl, C<sub>2-4</sub> alkynyl, C<sub>1-4</sub> alkoxy, C<sub>2-4</sub> alkenyloxy, C<sub>2-4</sub> alkynyloxy, halo(C<sub>1-4</sub>)alkyl, halo(C<sub>1-4</sub>)alkoxy, C<sub>1-4</sub> alkylthio, halo(C<sub>1-4</sub>)alkylthio, hydroxy(C<sub>1-4</sub>)alkyl, C<sub>1-4</sub>alkoxy(C<sub>1-4</sub>)alkyl, C<sub>3-6</sub> cycloalkyl, C<sub>3-6</sub> cycloalkyl(C<sub>1-4</sub>)alkyl, phenoxy, benzyloxy, benzyloxy, cyano, isocyano, thiocyanato, isothiocyanato,

nitro,  $-NR^mR^n$ ,  $-NHCOR^m$ ,  $-NHCONR^mR^n$ ,  $-CONR^mR^n$ ,  $-SO_2R^m$ ,  $-OSO_2R^m$ ,  $-COR^m$ ,  $-CR^m=NR^n$  or  $-N=CR^mR^n$ , in which  $R^m$  and  $R^n$  are independently hydrogen,  $C_{1-4}$  alkyl, halo( $C_{1-4}$ )alkyl,  $C_{1-4}$  alkoxy, halo( $C_{1-4}$ )alkoxy,  $C_{1-4}$  alkylthio,  $C_{3-6}$  cycloalkyl,  $C_{3-6}$  cycloalkyl( $C_{1-4}$ )alkyl, phenyl or benzyl, the phenyl and benzyl groups being optionally substituted with halogen,  $C_{1-4}$  alkyl or  $C_{1-4}$  alkoxy.

Claim 2. (Original): A compound according to claim 1 wherein X is chloro or bromo, and Y is H.

Claim 3. (Currently Amended): A compound according to claim 1 ~~or 2~~ wherein  $R_1$  is methyl, ethyl, *n*-propyl or *n*-butyl.

Claim 4. (Currently Amended): A compound according to ~~any one of the preceding claims~~ claim 1 wherein  $R_1$  is methyl or ethyl.

Claim 5. (Currently Amended): A compound according to ~~any one of the preceding claims~~ claim 1 wherein  $R_2$  is H.

Claim 6. (Currently Amended): A compound according to ~~any one of the preceding claims~~ claim 1 wherein both  $R_3$  and  $R_4$  are methyl.

Claim 7. (Currently Amended): A compound according to ~~any one of the preceding claims~~ claim 1 wherein  $R_5$  is H, methyl, hydroxymethyl, methoxymethyl, 1-methoxyethyl, *tert*-butyldimethylsilyloxy-methyl, 3-cyanopropyl, 3-(1,2,4-triazol-1-yl)propyl, 3-methylthiopropyl, 3-methanesulphonylpropyl or 3-methanesulphonylpropyl.

Claim 8. (Original): A compound according to claim 1 wherein X and Y are independently halo,  $C_{1-4}$  alkyl,  $C_{2-4}$  alkenyl,  $C_{2-4}$  alkynyl, optionally substituted phenyl, cyano, or  $-COR'$  where  $R'$  is H or  $C_{1-4}$  alkyl, or Y is H;

$R_1$  is a straight-chain  $C_{1-4}$  alkyl group;

$R_2$  is H,  $C_{1-4}$  alkyl,  $C_{1-4}$  alkoxymethyl or benzyloxymethyl in which the phenyl ring of the benzyl moiety is optionally substituted with  $C_{1-4}$  alkoxy;

$R_3$  and  $R_4$  are independently H,  $C_{1-3}$  alkyl,  $C_{2-3}$  alkenyl or  $C_{2-3}$  alkynyl provided that both are not H and that when both are other than H their combined total of carbon atoms does not exceed 4, or  $R_3$  and  $R_4$  join with the carbon atom to which they are attached to form a 3 or 4 membered carbocyclic ring optionally containing one O, S or N atom and optionally substituted with halo or  $C_{1-4}$  alkyl; and

R<sub>5</sub> is H, C<sub>1-4</sub> alkyl or C<sub>3-6</sub> cycloalkyl in which the alkyl or cycloalkyl group is optionally substituted with halo, hydroxy, C<sub>1-6</sub> alkoxy, C<sub>1-6</sub> alkylthio, cyano, C<sub>1-4</sub> alkylcarbonyloxy, aminocarbonyloxy or mono- or di(C<sub>1-4</sub>)alkylaminocarbonyloxy, tri(C<sub>1-4</sub>)alkylsilyloxy, optionally substituted phenoxy, optionally substituted thienyloxy, optionally substituted benzyloxy or optionally substituted thienylmethoxy, or

R<sub>5</sub> is optionally substituted phenyl, optionally substituted thienyl or optionally substituted benzyl; in which the optionally substituted phenyl and thienyl rings of the X, Y and R<sub>5</sub> values are optionally substituted with one, two or three substituents selected from halo, hydroxy, mercapto, C<sub>1-4</sub> alkyl, C<sub>2-4</sub> alkenyl, C<sub>2-4</sub> alkynyl, C<sub>1-4</sub> alkoxy, C<sub>2-4</sub> alkenyloxy, C<sub>2-4</sub> alkynyloxy, halo(C<sub>1-4</sub>)alkyl, halo(C<sub>1-4</sub>)alkoxy, C<sub>1-4</sub> alkylthio, halo(C<sub>1-4</sub>)alkylthio, hydroxy(C<sub>1-4</sub>)alkyl, C<sub>1-4</sub>alkoxy(C<sub>1-4</sub>)alkyl, C<sub>3-6</sub> cycloalkyl, C<sub>3-6</sub> cycloalkyl(C<sub>1-4</sub>)alkyl, phenoxy, benzyloxy, benzoyloxy, cyano, isocyano, thiocyanato, isothiocyanato, nitro, -NR<sup>m</sup>R<sup>n</sup>, -NHCOR<sup>m</sup>, -NHCONR<sup>m</sup>R<sup>n</sup>, -CONR<sup>m</sup>R<sup>n</sup>, -SO<sub>2</sub>R<sup>m</sup>, -OSO<sub>2</sub>R<sup>m</sup>, -COR<sup>m</sup>, -CR<sup>m</sup>=NR<sup>n</sup> or -N=CR<sup>m</sup>R<sup>n</sup>, in which R<sup>m</sup> and R<sup>n</sup> are independently hydrogen, C<sub>1-4</sub> alkyl, halo(C<sub>1-4</sub>)alkyl, C<sub>1-4</sub> alkoxy, halo(C<sub>1-4</sub>)alkoxy, C<sub>1-4</sub> alkylthio, C<sub>3-6</sub> cycloalkyl, C<sub>3-6</sub> cycloalkyl(C<sub>1-4</sub>)alkyl, phenyl or benzyl, the phenyl and benzyl groups being optionally substituted with halogen, C<sub>1-4</sub> alkyl or C<sub>1-4</sub> alkoxy.

Claim 9. (Original): A compound according to claim 1 wherein X is chloro or bromo and Y is H; R<sub>1</sub> methyl, ethyl, n-propyl, n-butyl; R<sub>2</sub> is H; R<sub>3</sub> and R<sub>4</sub> are both methyl; and R<sub>5</sub> is H, methyl, hydroxymethyl, methoxymethyl, 1-methoxyethyl, tert-butyldimethylsilyloxymethyl, 3-methylthiopropyl, 3-methanesulphonylpropyl or 3-methanesulfonylpropyl.

Claim 10. (Original): A process for preparing a compound according to claim 1 as herein described.

Claim 11. (Original): A fungicidal composition comprising a fungicidally effective amount of a compound of formula (1) as defined in claim 1 and a suitable carrier or diluent therefor.

Claim 12. (Currently Amended): A method of combating or controlling phytopathogenic fungi which comprises applying a fungicidally effective amount of a compound of formula (1) as defined in claim 1 ~~or a composition according to claim 11~~ to a plant, to a seed of a plant, to the locus of the plant or seed or to soil or any other plant growth medium.